

John Trien Unit Three

City of El Paso — City Plan Commission — 12/6/2018

SUSU18-00042 — Resubdivision Combination



STAFF CONTACT: Jovani Francia, (915) 212-1613, franciajx@elpasotexas.gov

PROPERTY OWNER: John Trien

REPRESENTATIVE: CAD Consulting Co.

LOCATION: North of Sun Valley and East of Dyer, District 4

ACREAGE: 3.4365

VESTED: No

PARK FEES REQUIRED: \$34,250.00

EXCEPTION/MODIFICATION REQUEST: 1: Exception to waive the required DSC standard for Sun Valley Drive.

RELATED APPLICATIONS: Ordinance 8149, dated August 21, 1984

PUBLIC INPUT: N/A

STAFF RECOMMENDATION: Denial

SUMMARY OF REQUEST: The applicant proposes to resubdivide 3.4365 acres of land into 5 single-family lots and 10 duplex lots. Primary access to the subdivision is proposed from Sun Valley Drive. This subdivision is being reviewed under the current subdivision code.

SUMMARY OF RECOMMENDATION: Planning staff recommends **Denial** of John Trien Unit Three on a Resubdivision Combination basis due to the following comments:

- 1: The required width of the right-of-way of Natalie Trien is a 56' right-of-way with 36' of pavement. The applicant is proposing a 52' right-of-way with 32' of pavement. An exception request has not been submitted.
- 2: Panhandle lots require an exception request, which has not been submitted. Lots 7 and 8, Block 1, are panhandle lots.
- 3: The applicant is required to pave their proportionate share of Pheasant Road. The applicant is not proposing to pave their proportionate share and have not submitted a waiver to be exempt from doing so.



BACKGROUND INFORMATION

Ordinance 8149, dated August 21, 1984, placed two conditions on the subject property. The first condition requires that a fee be paid to the City of El Paso of one half the cost of improving Pheasant Road in an amount not to exceed \$25,000. The second condition requires that sidewalks be constructed along Sun Valley Drive and Pheasant Road prior to the issuance of certificates of occupancy.

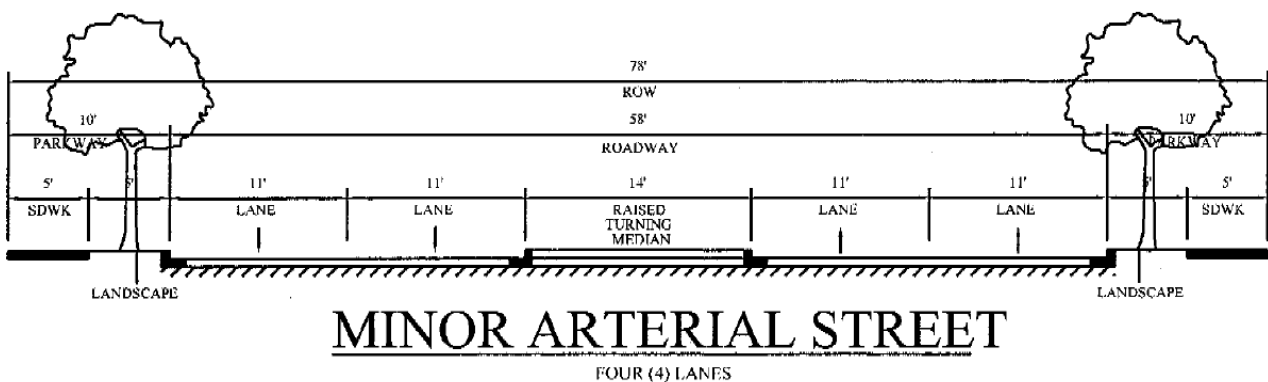
DESCRIPTION OF ANY EXCEPTIONS, MODIFICATIONS, OR WAIVERS

The applicant is requesting the following exceptions under 19.10.050-A (Roadway participation policies):

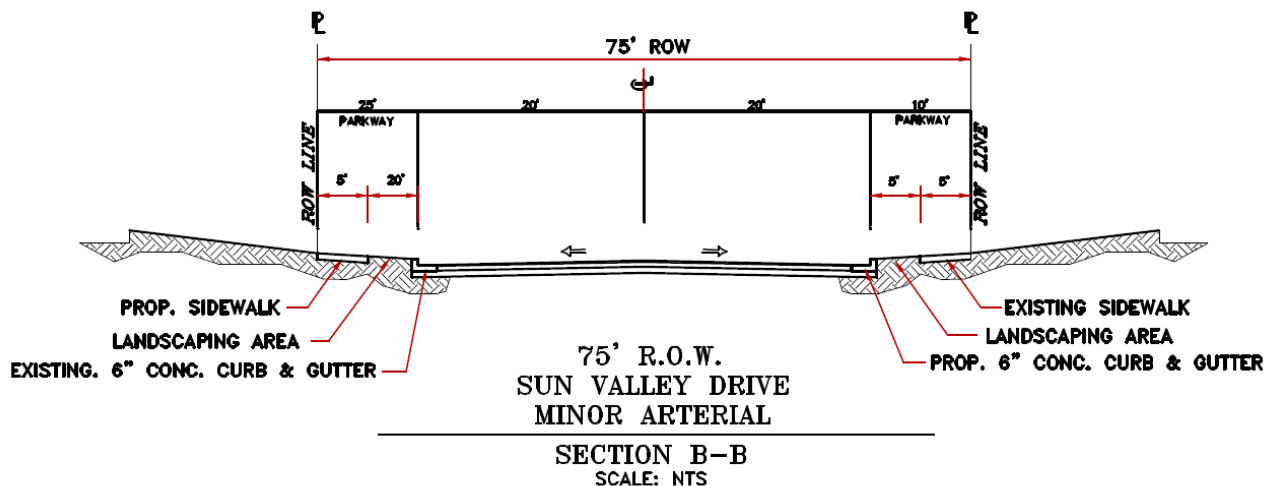
Sun Valley Drive:

- 29' of roadway participation is required for Sun Valley Road. Only 20' currently exists. An additional 9' of roadway is required. The applicant is requesting not to be required to pave their proportionate share of the roadway.
- The parkway is currently 25', consisting of a 20' landscape buffer and a 5' sidewalk. The applicant has 15' over the 10' minimum requirement for the parkway.
- The applicant meets their right-of-way proportionate share for a minor arterial. 39' is required and the applicant has 45'.

Required:



Existing:

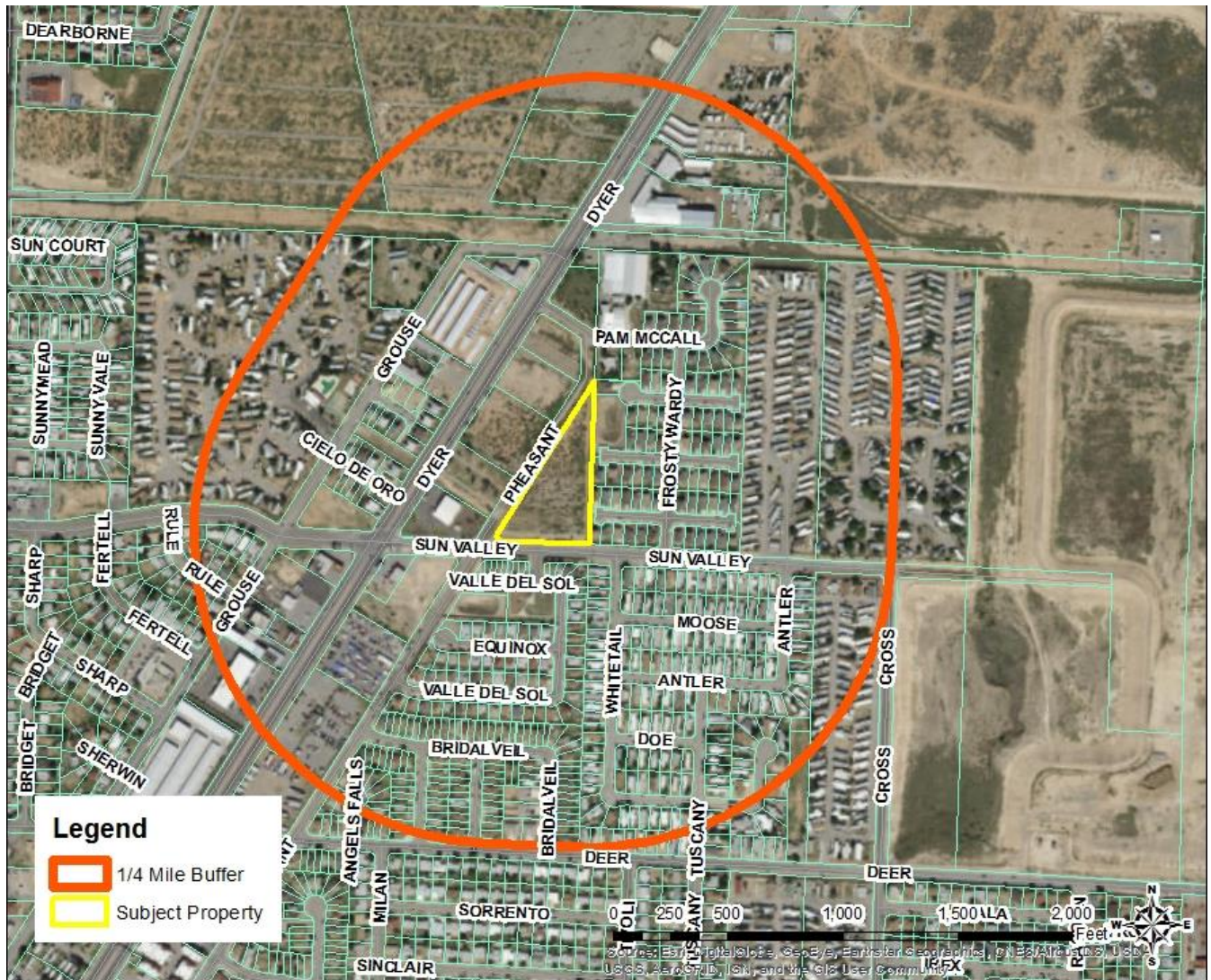


The applicant does not meet the following criteria under Section 19.10.050 (Roadway participation policies – Improvement of roads and utilities within and or abutting the subdivision) for requesting an exception. The section reads as follows:

Section 19.10.050-A

1: The City Plan Commission may waive such requirements to provide rights-of-way or street improvements to adjacent substandard roads based on any of the following factors:

- a: Fifty per cent of the lots within a quarter mile of the proposed development have already been developed and the existing street improvements are in character with the neighborhood.



RELATION OF PROPOSED APPLICATION TO THE CITY'S COMPREHENSIVE PLAN

CONSISTENCY WITH PLAN EL PASO: Subject property is designated G3, Post-War.

GOAL 2.2:	
The City of El Paso should change its growth pattern away from homogeneous land uses and return to a pattern of compact well-connected mixed-use neighborhoods.	
GOAL 2.3:	
The City of El Paso wishes to create complete networks of multimodal streets with ample shaded sidewalks and frequent on-street parking.	
POLICY	DOES IT COMPLY?
Policy 2.2.5.a: Ideally, 50% of new residences will be within a ¼ mile radius of at least 4 diverse uses such as community-serving retail, services, civic / community facilities, and food retail.	No, the surrounding areas do not support at least 4 diverse uses.
Policy 2.3.3.b: Dead-end streets and cul-de-sacs should be allowed only when required by topographic constraints or when conditions on adjoining property prevent existing or future connections.	No, the applicant is proposing a cul-de-sac that is not hindered by topographic constraints or conditions from the adjoining property. Also, the cul-de-sac is not meeting the Subdivision Code.

NEIGHBORHOOD CHARACTER: Subject property is zoned A-M/sc (Apartment / Mobile Home Park District / special contract). Properties adjacent to the subject property are zoned R-4 (Residential), R-5 (Residential), C-4 (Commercial), C-4/sc (Commercial / special contract), and P-R II/c (Planned Residential District II / condition). Surrounding land uses are residential and commercial. The nearest park is Franklin Park (.50 miles). The nearest school is Parkland High School (.50 miles). This property is not located within any Impact Fee Service Areas.

COMMENT FROM THE PUBLIC: N/A

STAFF COMMENTS:

The applicant should consider:

- Reconfiguring Natalie Trien Lane to meet the right-of-way requirement of 56'.
- Reconfiguring the panhandle lot or submit a waiver to allow the panhandle lot.
- Improving their proportionate share of Pheasant Road.

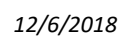
PLAT EXPIRATION:

This application will expire on **December 6, 2021**. If the final plat has not been recorded within the specified date, the final plat approval, unless extended in accordance with Chapter 19.41 (Expiration, extension and reinstatement), shall expire and the applicable plat shall be deemed null and void.

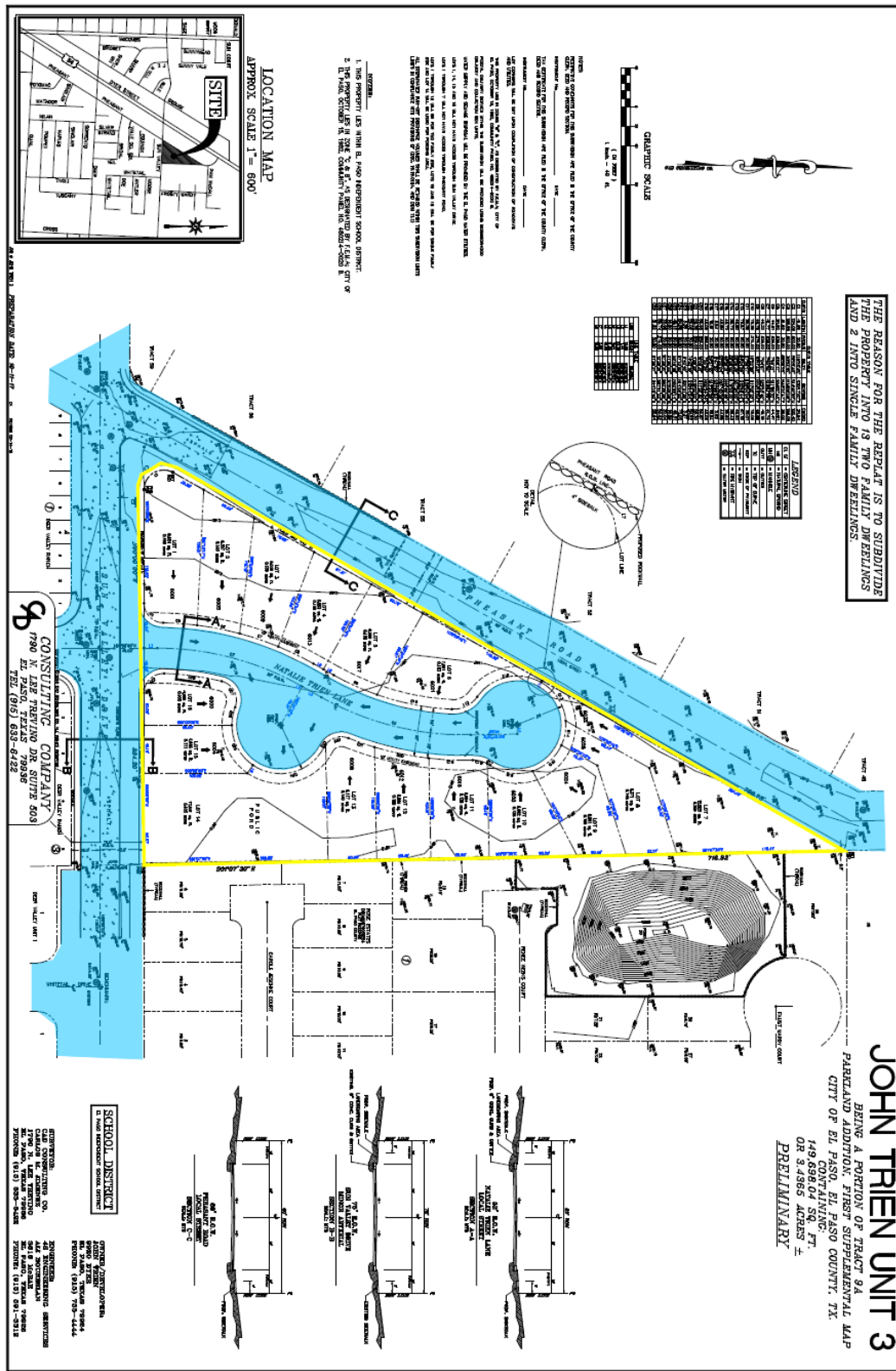
ATTACHMENTS:

1. Location Map
2. Preliminary Plat
3. Final Plat
4. Application
5. Waiver Request
6. Ordinance 8149
7. Department Comments

John Trien Unit 3



ATTACHMENT 2



ATTACHMENT 3

[illegible]

ATTACHMENT 4



CITY PLAN COMMISSION APPLICATION FOR RESUBDIVISION COMBINATION SUBDIVISION APPROVAL

DATE: _____ FILE NO. SUSU18-00042

SUBDIVISION NAME: JOHN TAYLOR UNIT 3

1. Legal description for the area included on this plat (Tract, Block, Grant, etc.)
PORTION OF TRACT 9A
PARKLAND ADDITION

2. Property Land Uses:

	ACRES	SITES		ACRES	SITES
Single-family	_____	<u>2</u>	Office	_____	_____
Duplex	_____	<u>13</u>	Street & Alley	_____	_____
Apartment	_____	_____	Ponding & Drainage	_____	<u>1</u>
Mobile Home	_____	_____	Institutional	_____	_____
P.U.D.	_____	_____	Other (specify below)	_____	_____
Park	_____	_____	_____	_____	_____
School	_____	_____	_____	_____	_____
Commercial	_____	_____	Total No. Sites	_____	<u>16</u>
Industrial	_____	_____	Total (Gross) Acreage	<u>3.4365</u>	_____

3. What is existing zoning of the above described property? A7 Proposed zoning? _____

4. Will the residential sites, as proposed, permit development in full compliance with all zoning requirements of the existing residential zone(s)? Yes ☒ No _____

5. What type of utility easements are proposed: Underground _____ Overhead _____ Combination of Both ☒

6. What type of drainage is proposed? (If applicable, list more than one)
POND

7. Are special public improvements proposed in connection with development? Yes _____ No ☒

8. Is a modification or exception of any portion of the Subdivision Ordinance proposed? Yes _____ No ☒
If answer is "Yes", please explain the nature of the modification or exception _____

9. Remarks and/or explanation of special circumstances: _____

10. Improvement Plans submitted? Yes ☒ No _____

11. Will the proposed subdivision require the city to review and decide whether this application is subject to the standards in effect prior to the effective date of the current applicable standards? Yes _____ No ☒


If yes, please submit a vested rights petition in accordance with Title I (General Provisions) Chapter 1.04 - Vested Rights

Planning & Inspections Department
811 Texas | P.O. Box 1890 | El Paso, Texas 79950-1890 | (915) 212-0088

12. Owner of record JOHN H. TIEN 755-4444
(Name & Address) (Zip) (Phone)
13. Developer _____
(Name & Address) (Zip) (Phone)
14. Engineer CAD CONSULTING CO. 633-6422
(Name & Address) (Zip) (Phone)

**Effective September 1, 2014, a 3%
technology fee has been added to all
Planning application fees.*

OWNER SIGNATURE: 

REPRESENTATIVE: 

**NOTE: SUBMITTAL OF AN APPLICATION DOES NOT CONSTITUTE ACCEPTANCE FOR PROCESSING UNTIL THE
PLANNING DEPARTMENT REVIEWS THE APPLICATION FOR ACCURACY AND COMPLETENESS.**

Planning & Inspections Department
811 Texas | P.O. Box 1890 | El Paso, Texas 79950-1890 | (915) 212-0088

ATTACHMENT 5



May 14, 2018

To: City of El Paso

This is a request for a waiver for the property on 6001 Sun Valley Drive (John Trien Unit 3) on the request from the City of El Paso Planning and Transportation comments regarding roadway improvements. We would like to waive the 78' right-of-way, existing configuration and landscape parkway, four 11' lanes and 14' raised median. This is because Sun Valley Drive already has existing sidewalks, curbs and lanes and would like to be except as per Section 19.10.050.A.

If you have any questions, please call me at 633-6422.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Enrique Ayala'.

Enrique Ayala
CAD Consulting Co.

Office: 915-633-6422

1790 N. Lee Treviño Ste. 503 El Paso, Texas 79936

Fax 915-633-6424

ATTACHMENT 6

TO

11/13/84
DATE

ZONING SECTION	
LAND PLANNING	
MAPPING SECTION ✓	<i>[Signature]</i>
E.D.P. SECTION	
SPECIAL PERMIT/SITE DEVELOP. PLAN	
MPO	

REPRODUCE:

RETURN TO *[Signature]*

By (DATE):

ORDINANCE NO: *8149*

DATE: *8/21/84*

CONTRACT: *Yes*

CASE NO: *184 4975*

NOTES:

Qued 11/1/84

7-31-84

008149

AN ORDINANCE CHANGING THE ZONING OF
TRACT 9A, PARKLAND ADDITION,
THE PENALTY BEING AS PROVIDED
IN SECTION 25-96 OF THE EL PASO
CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of Tract 9A, Parkland Addition, be changed to A-M
(Apartment/Mobile Home) District within the meaning of the zoning
ordinance and the zoning map of the City be revised accordingly.

PASSED AND APPROVED this 21st day of August,
1984.

Jonathan W. Rogers
Mayor

ATTEST:

W. Regis
City Clerk

APPROVED AS TO FORM:

Carson Cullen-Gurney
Assistant City Attorney

APPROVED AS TO CONTENT:

Planning, Research and
Development

I CERTIFY THAT THE FOLLOWING ZONING MAPS

HAVE BEEN REVISED: L.O.

11-14-84 COUNTER

11-14-84 MAP

11-14-84 Bldg. Inspection

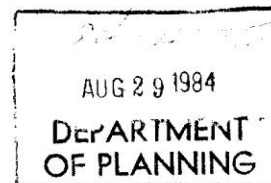
11-14-84 CONTROL

Jonathan W. Rogers

that the zoning map has been revised to
reflect the amendment of ordinance #8149
By Jonathan W. Rogers Date 11-14-84

008149

Contract (10/23/84)
Deed



R-4 TO A-M SC

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a contract with PAUL LEEPER CONSTRUCTION CO. placing certain restrictions, conditions and covenants on the property being rezoned by Ordinance No. 008149

ADOPTED this 28th day of August, 1984.

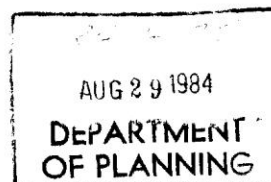
Mayor *John W. Ryan*

ATTEST:

L. R. [illegible]
City Clerk

APPROVED AS TO FORM:

Cheresa Cullen-Garney
Assistant City Attorney



CONTRACT

THIS CONTRACT, made this 23rd day of October, 1984, by and between PAUL LEEPER CONSTRUCTION CO., First Party, and the CITY OF EL PASO, Second Party, witnesseth:

Application has been made to the City of El Paso for rezoning Tract 9A, Parkland Addition, City and County of El Paso, Texas. To remove certain objections to such rezoning, First Party covenants that if the property is rezoned to A-M (Apartment/Mobile Home) District within the meaning of the zoning ordinance of the City of El Paso, it shall be subject to the following restrictions, conditions and covenants:

1. First Party agrees to pay the City of El Paso one half the cost of improving Pheasant Road based upon the road frontage, in an amount not to exceed Twenty-five Thousand and No/100 Dollars (\$25,000), upon demand by the City Engineer.
2. Sidewalks shall be constructed on Sun Valley Drive and Pheasant Road prior to the issuance of certificates of occupancy.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Party and its successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City council of the City of El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby.

WITNESS THE FOLLOWING SIGNATURES AND SEAL:

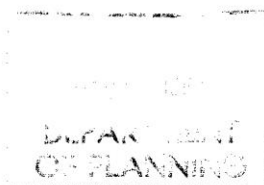
PAUL LEEPER CONSTRUCTION CO.
First Party

By Paul Leeper
Title President

ATTEST:

NIA
Secretary

Ord. 8149 (8/21/84)
Case # 84-4975
Decd (11/1/84)



THE CITY OF EL PASO
Second Party

By [Signature]
Mayor

ATTEST:

[Signature]
City Clerk

APPROVED AS TO FORM:

[Signature]
Assistant City Attorney

THE STATE OF TEXAS)
COUNTY OF EL PASO)

APPROVED AS TO CONTENT:

[Signature]
Planning Department

This instrument was acknowledged before me on this 1st day of November, 1984, by Paul Leeper, representative for Paul Leeper Construction Co.

[Signature]
Notary Public, State of Texas

My Commission Expires:

2-19-86

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 23rd day of October, 1984, by JONATHAN W. ROGERS, as Mayor of the City of El Paso.

[Signature]
Notary Public, State of Texas

My Commission Expires:

10/21/87

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a contract amendment between PAUL LEEPER CONSTRUCTION CO., and the CITY OF EL PASO, whereby certain restrictions, conditions and covenants were placed on Tract 9A, Parkland Addition, City and County of El Paso, Texas.

ADOPTED this 23rd day of October, 1984.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

Ord. 8149 (8/21/84)
84-4975



D E E D

STATE OF TEXAS)
)
COUNTY OF EL PASO)

KNOW ALL MEN BY THESE PRESENTS:

That Paul Leeper Construction Co., Inc.

of the County of El Paso, State of Texas, hereinafter referred to
as Grantors, whether one or more, for and in consideration of the sum of _____
TEN DOLLARS-----(\$10.00)

Dollars to Grantors in hand paid by the City of El Paso, receipt of which is hereby
acknowledged, have granted, sold and conveyed and by these presents do grant, sell
and convey unto the City of El Paso, the following described parcel of land situated
in the County of El Paso, State of Texas:

Legal description of a parcel of land being a portion of Tract 9A, First Supplemental
Map of Parkland Addition to be acquired by the City of El Paso, Texas as additional
right-of-way and being more particularly described as follows:

Commencing at the centerline intersection of the right-of-way line of Pheasant Road
with the centerline of the right-of-way line of Sun Valley Drive, thence East along
the centerline of Sun Valley Drive, a distance of thirty four and forty four hundredths
(34.44) feet, thence North 29°25'45" East a distance of thirty four and forty four
hundredths (34.44) feet to the southwest corner of Tract 9A, First Supplemental Map of
Parkland Addition same being the true point of beginning of this parcel of land.

Thence North 29°25'45" East along the easterly right-of-way line of Pheasant Road, a
distance of fifty one and forty seven hundredths (51.47) feet,

Thence along the arc of a curve to the left, a distance of forty one and sixty nine
hundredths (41.69) feet, said curve has a radius of twenty and zero hundredths (20.00)
feet, a central angle of 119°25'45", a chord distance of thirty four and fifty four
hundredths (34.54) feet bearing South 30°17'08" East,

Thence East, a distance of three hundred eighty four and nineteen hundredths (384.19)
feet to a common line to Tracts 9A and 8A,

Thence South 01°07'30" East along a line common to Tracts 9A and 8A, a distance of
fifteen and zero hundredths (15.00) feet to the north right-of-way line of Sun Valley
Drive.

Thence West along the north right-of-way line of Sun Valley Drive, a distance of four
hundred eighteen and forty four hundredths (418.44) feet to the point of beginning.

Said parcel of land contains 6,609.42 square feet or 0.1517 acres more or less.

TO HAVE AND TO HOLD the same perpetually to the City of El Paso, its successors and assigns. And the Grantors do hereby bind themselves, their heirs, executors, administrators, successors, and assigns, to warrant and forever defend all and singular the said premises, unto the said City of El Paso, and its assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

IN WITNESS WHEREOF, Grantors have caused this instrument to be executed on this 1st day of November, 1984.

Paul Leeper, President
PAUL LEEPER, PRESIDENT

CORPORATION ACKNOWLEDGEMENT

STATE OF TEXAS }
 }
COUNTY OF EL PASO }

Before me, the undersigned authority, on this day personally appeared Paul Leeper, President of Paul Leeper Construction, Co., Inc. a corporation, on behalf of said corporation.

Given under my hand and seal of office, this 1st day of Nov., 1984.

Carole Huntz
Notary Public in and for El Paso
County, Texas

My Commission expires on:

7-19-86

ATTACHMENT 7

Planning & Inspections Department- Planning Division

Developer / Engineer shall address the following comments:

1: Submit to the Planning & Inspections Department – Planning Division the following prior to recording of the subdivision:

- a: Current certificate tax certificate(s)
- b: Current proof of ownership.
- c: Release of access document, if applicable.
- d: Set of restrictive covenants, if applicable.

2: Every subdivision shall provide for postal delivery service. The subdivider shall coordinate the installation and construction with the United States Postal Service in determining the type of delivery service for the proposed subdivision. In all cases, the type and location of delivery service shall be subject to the approval of the United States Postal Service.

3: Section 19.15.090-A states that the maximum dwellings on a cul-de-sac is 25 dwellings. You are proposing 28 dwellings. Also, for 13 to 25 dwellings, the right-of-way is to be 56' with a 36'. You are proposing a 52' right-of-way with 32' roadway.

4: A waiver is required for the panhandle lots. Lot 7 will be required to sprinklered and have a hard wired alarm system.

5: The double frontage lots will be required to be hardscaped on the landscape buffer.

Capital Improvement – Parks

We have reviewed **John Trien Unit 3**, a major combination plat map and on behalf of CID Parks & Planning Division, we offer Developer / Engineer the following comments:

Please note that this subdivision is composed of **15 lots** zoned "A-M/sc" meeting the requirements for A-3 zoning districts (Single-family, Two-family and Multi-family) however, per plat notes, applicant is proposing **10 lots** for Two-family use and **5 lots** for Single-family use therefore "Park fees" will be assessed as follows:

If applicant provides copy of covenants restricting lots 1, 2, 3, 4, 5, 6, 10, 11, 12 and 13 to a Two-family use and lots 7, 8, 9, 15 and 16 to a Single-family use and if gross density waiver is granted by the City Manager of the Planning Department designee, then applicant shall be required to pay "Park fees" in the amount of **\$34,250.00** calculated as follows:

10 lots Restricted to Two-family use = 20 Dwelling Units at \$1,370.00 = \$27,400.00	
5 lots Restricted to Single-family use at \$1,370.00 = <u>\$6,850.00</u>	
Total Park Fees due = \$34,250.00	

Please allocate generated funds (if applicable) under Park Zone: **NE-5**

Nearest Park: **Franklin Park**

If density/acreage is increased /decreased or the property zoning /use changes, then "Park fees" will be re-assessed based on applicable conditions.

El Paso County 911

Regarding this subdivision, the addressing proposed is the addressing currently used for west to east streets. The addressing for south to north streets should be in the 10300.

El Paso County Water Improvement District #1

EPCWID#1 has no comments due to the subdivision not being within its boundaries.

El Paso Water Utilities

1: EPWater-PSB does not object to this request.

Water:

2: There is an existing 6-inch diameter water main along Sun Valley Drive. This main is available for service.

3: There is an existing 8-inch diameter water main along Pheasant Road, located 20-feet west of the property's western property line. This main is available for service.

4: Previous water pressure from fire hydrant #778 located on northeast corner of Pheasant Road and Sun Valley Drive, has yielded a static pressure of 92 psi, a residual pressure of 88 psi, and a discharge of 1,300 gallons per minute. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sanitary Sewer:

5: There is an existing 8-inch diameter sanitary sewer main along Pheasant Road, located 15-feet east of the property's western property line. This main is available for service.

6: There is an existing an 8-inch diameter sanitary sewer main along Sun Valley Drive, located 35-feet south of the property's southern property line. This main is available for service.

7: There is an existing 24-inch diameter sanitary sewer main along Sun Valley Drive, located 44-feet south of the property's southern property line. No direct service connections are allowed to this main as per the El Paso Water - Public Service Board Rules & Regulations.

General:

8: EPWater requires a new service application to provide additional services to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 8 to 10 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWater Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Fire Department

Recommend approval.

Planning & Inspections – Land Development

We have reviewed subject plats and recommend Approval. The Developer/Engineer shall address the following comments:

1: Update the correct FEMA FIRM Flood Zone information on both the preliminary and final plats, as it appears on the FEMA FIRM panel.

2: At the improvement plan stage, provide protection to the subdivision from all offsite stormwater runoff that may have an adverse impact on any improvements.

3: Any proposed ponding area shall have enough capacity to hold the developed runoff for a designed 100-yr. storm event.

Sun Metro

No objections.

TXDOT

Development is not abutting TXDOT right-of-way.